

Serial No. 09/522,162
Art Unit No. 3623

REMARKS

Claims 2-10 and 12 are currently pending in the patent application. In the Office Action, the Examiner has rejected Claims 2, 4-6, 8-10 and 12 as unpatentable over Clayton in view of Ackerman; Claim 7 as unpatentable over Clayton in view of Ackerman and Liff; and Claim 3 as unpatentable over Clayton and Ackerman.

The present invention is directed to a business method and computerized method for networked consulting comprising the steps of establishing a predetermined group comprising more than two members; receiving at a central location over a wide-area computer network, within a predetermined first time period, a first message from a first member of the group; a consultant defining a first query based on the first message; electronically sending the first query from the central location to at least a portion of the predetermined group and starting monitoring of a second time period; receiving over the wide-area computer network at the central location, within a predetermined second time period, at least one message from at least one second member of the group comprising a response to the first query; preparing an

Serial No. 09/522,162
Art Unit No. 3623

analysis at the central location related to the first query and the response to it; electronically sending the analysis over the wide-area computer network from the central location to the predetermined group; electronically sending the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period; preparing a non-group analysis related to the non-group member responses to the first query; and electronically sending the non-group analysis from the central location to at least the first member of the group.

The Clayton publication teaches a process for gathering expert opinions in the field of education. The so-called Delphi approach involves mailing a questionnaire to recipients "soliciting their co-operation in the study as well as their opinions" (see: page 378, paragraph 29). Upon receipt of responses, the Delphi approach next translates received responses into generic statements and then mails the general statements "about which consensus is then sought" to the original respondents. Respondents are "asked to reconsider their previous answer in light of the group's

Serial No. 09/522,162
Art Unit No. 3623

measure" (see, page 379, paragraph 33) when the group's generic statements conflict with respondents' statements.

The Clayton approach is an academic exercise in information gathering, designed to obtain a "consensus" perspective without actual group debate, since Clayton maintains that group discussion is unreliable and biased (see, page 376, paragraph 17). Clayton's approach is not a method for computer networked consulting, since Clayton expressly states the questionnaires are mailed (page 378, paragraph 29). Further, Clayton's approach does not establish a predetermined group comprising more than two members. Rather, Clayton selects perspective recipients and expressly teaches "soliciting their co-operation." Clearly the group is not predetermined.

Applicants further contend that Clayton does not teach or suggest a step of receiving, at a central location over a wide-area computer network, within a predetermined first time period for receipt of first electronic messages, a first electronic message from a first member of the group. Clayton does not teach a predetermined group, does not teach electronic communications, and does not teach that a group member submit a request within a first predetermined time

Serial No. 09/522,162
Art Unit No. 3623

period. Applicants also note that Clayton does not teach a step of providing a first group member message/request to a consultant for defining of a first query based on the first message, does not teach a step for electronically sending the first query from the central location to at least a portion of the predetermined group, and does not teach automatically starting monitoring of a predetermined second time period upon said sending. Rather, Clayton mails questionnaire to prospective respondents, with no query processing, no electronic communication of a query, and no monitoring of a time period.

Next, the claims recite receiving over the wide-area computer network at the central location, within the predetermined second time period, at least one electronic message from at least one second member of the group comprising a response to the first query, preparing an analysis at the central location related to the first query and the response to it, and electronically sending the analysis over the wide-area computer network from the central location to the predetermined group. In contrast, Clayton manually receives mailed responses, "translates" the

Serial No. 09/522,162
Art Unit No. 3623

response into generic statements, and then seeks consensus for the generic statements by mail.

Moreover, there is nothing in the Clayton paper which either teaches or suggests electronically sending the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period based on the monitoring of a second time period from when the query was first send. Clayton makes no mention of a contingency process and clearly does not teach or suggest preparing a non-group analysis related to non-group member responses to the first query and electronically sending a non-group analysis from the central location to at least the first member of the group.

The Examiner acknowledges that Clayton does not teach or suggest the latter claim steps, and the Examiner has cited the Ackerman reference in combination with Clayton. The Ackerman article describes an "Answer Garden" which is comprised of a "Q & A" database of commonly asked questions and a chat room. As argued previously, Ackerman also does not have a predefined group to which queries are submitted. What the Examiner states is that "[t]he examiner interprets the system allows a question to be sent to a local

Serial No. 09/522,162
Art Unit No. 3623

workgroup, then if not answered sent to a non-group member." Applicants disagree with the Examiner's interpretation. The Examiner cites passages from Ackerman which teach that, if a user cannot find an answer to his question in the "Answer Garden", then the Answer Garden system asks the user if they found their answer, and, if not, then routes the question to "an appropriate human expert" (see: page 98, paragraph 15). Sending a user question to an expert is not the same as or suggestive of automatically electronically sending a composite query to at least one non-group member upon expiration of a predetermined second time period after the query has first been sent electronically to a first predetermined group. Similarly, the cited passage from page 100, paragraphs 26-27 does not obviate the claim language. There Ackerman teaches that user queries are anonymously submitted to the Answer Garden and/or anonymously routed to the single expert, as above. The cited passage does not teach that the system sets a timer and automatically sends the query to a non-group member. Paragraphs 35-38 are cited from page 101 of Ackerman. There Ackerman teaches the need for escalation from the "Q & A" database or chat room and on to an expert. Ackerman does not, however, teach or suggest

Serial No. 09/522,162
Art Unit No. 3623

that its system automatically electronically sends a query to a non-group member upon expiration of a time period which began when the query was sent to a first predetermined group. Finally, the paragraph 43 from page 102 does not teach the invention as claimed. While Ackerman teaches that the user may be prompted if he/she has received an answer after a period of time. Ackerman does not teach or suggest, however, that the user's query be automatically electronically sent after a predetermined period if no responses are received from a first predetermined group. Rather, Ackerman expressly teaches that the user decides whether to continue waiting for an answer in the Answer Garden.

Applicants conclude that the combination of Clayton and Ackerman does not obviate the invention as claimed. Neither reference teaches establishing a predetermined group comprising more than two members, and Clayton teaches away from such by having to "solicit co-operation". Neither reference teaches a central location receiving a first electronic message from a first member of a group over a wide-area computer network, within a predetermined first time period for receipt of first electronic messages and

Serial No. 09/522,162
Art Unit No. 3623

then providing the first message to a consultant for defining of a first query based on the first message. Furthermore, neither Clayton nor Ackerman teaches electronically sending the first query from the central location to at least a portion of the predetermined group and automatically starting monitoring of a predetermined second time period upon said sending. Rather, Clayton mails questionnaires to a group from which they "solicit co-operation" and Ackerman allows the user to determine when and if a query is sent and is satisfied. With regard to the claim features of receiving over the wide-area computer network at the central location, within the predetermined second time period, at least one electronic message from at least one second member of the group comprising a response to the first query and preparing an analysis at the central location related to the first query and the response to it, and electronically sending the analysis over the wide-area computer network from the central location to the predetermined group, Applicants again note that neither reference teaches a predetermined group and neither teaches preparing an analysis to be sent to the group. Finally, neither Clayton nor Ackerman teaches electronically sending

Serial No. 09/522,162
Art Unit No. 3623

the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period based on monitoring of time since the query was first sent to a predetermined group and preparing a non-group analysis related to non-group member responses to the first query, and electronically sending the non-group analysis from the central location to at least the first member of the group, since neither Clayton nor Ackerman teaches or suggests time periods, automatic monitoring, automatic sending, etc. Accordingly, Applicants believe that the combination of teachings does not obviate the invention as set forth in independent Claims 6 and 12, and those claims which depend therefrom and add limitations thereto.

Claim 7 has been rejected as unpatentable over Clayton in view of Ackerman and Liff. The Examiner relies on the earlier analysis of the Clayton publication teachings in combination with Ackerman, and further asserts that Liff teaches requiring group members to respond, since Liff suggests such terms for subscription. Applicants first note that Clayton expressly "solicits co-operation" which teaches away from a required response. Further, Applicants

Serial No. 09/522,162
Art Unit No. 3623

respectfully assert that even if one were to modify Clayton and Ackerman with the Liff subscription teachings, such that the Clayton survey participants would be required to respond, one would not arrive at the present invention since none of Liff, Clayton, or Ackerman teaches the establishing of a predetermined group as claimed, the consultant defining of a query based on a message from a first group member to the group, the use of first and second time periods, the automatic electronic sending of the query to non-group members after a second time period, or the preparing and electronic sending of the analysis to the group, as expressly recited for Claim 7 (in Claim 1 from which it depends).

Claim 3 has been rejected as unpatentable over Clayton and Ackerman, where the Examiner takes "official notice" of additional knowledge that would be imputed to one of ordinary skill in the art. The Examiner states that it would have been obvious to modify the Clayton/Ackerman combination to include a step for the survey requester to review the survey prior to sending the survey to participants. Applicants note that even if such a modification were made, one would not arrive at the

Serial No. 09/522,162
Art Unit No. 3623

invention as claimed since neither Clayton nor Ackerman teaches or suggests the establishing of a predetermined group as claimed, the defining of a query based on a message from a first group member to the group, the use of first and second time periods, the automatic electronic sending of the query to a non-group members, or the sending of an analysis to the group.

In light of the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration and withdrawal of the objections and rejections, and issuance of the claims.

Respectfully submitted,

M. Verdi, et al

By: Anne V. Dougherty
Anne Vachon Dougherty
Registration No. 30,374
Tel. (914) 962-5910